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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/094,286 06/09/98 SUGIMOTO

T 10517/4

QM02/0202

EXAMINER

KENYON & KENYON  
ONE BROADWAY  
NEW YORK NY 10004

WELDON, K

ART UNIT

PAPER NUMBER

3752

DATE MAILED:

02/02/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No.	094286	Applicant(s)	Sugimoto et al
Examiner	IC Wedow	Group Art Unit	3752

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

Responsive to communication(s) filed on 11/10/91.

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

Claim(s) 1-3 is/are pending in the application.

Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-3 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

### Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). 2-65

Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892

Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948

Other \_\_\_\_\_

## Office Action Summary

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1. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.
2. Claims 1-3 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In the application as originally filed figures 1-17 were included with the disclosure. Under the Brief Description of the Drawings section on pages 4-5 of the specification only descriptions of figures 1-7 were included. Figures 1 and 2 corresponded to the Brief Description of the Drawings although in the detailed description of the drawings the element numbers did not correspond to the elements in the specification. As originally filed an artisan could understand how to make and use the originally claimed invention despite these inconsistencies.

The Brief Description of the Drawings of figures 3-7 did not correspond to original figures 3-7, further there was no description of originally filed figures 8-17.

On December 7 1998 applicant filed formal drawings. The figures in these December 7 drawings corresponded to the original Brief Description of the Drawings. In figure 3 of the December 7 drawings valve member is shown. Cooperating with a valve seat that is positioned beyond the first and second set of concentric nozzle holes. Figure 3 of 12/7/98 supports the amended claim language "wherein the valve body is arranged so that, when the valve body assumes the open position, fuel flows across the fuel jet adjusting plate from a radially outer area toward the central

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axis". However the original drawings do not illustrate any valve stem/seat. On page 5 at the bottom onto page 6 the applicant describes the flow of fuel radially inward toward the central axis. But the original figure 3 in consideration of this description would confuse an ordinary artisan. Without the proper original drawing figures 1-7 (December 7, 1998) filed with the application as originally filed on June 8, 1998 an artisan would have been unable to construct and make the presently claimed invention.

Apparently applicant misplaced the proper drawings for this invention in another similar application and placed that similar application drawings into the present application by mistake..

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Weldon whose telephone number is (703) 308-1117. The examiner can normally be reached on Tues-Fridays from 7 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andres Kashnikow, can be reached on (703) 308-1137. The fax phone number for this Group is (703) 308-7764.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)308-0861.



Kevin Weldon  
Primary Examiner  
11/27/00